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4 **IN THE UNITED STATES DISTRICT COURT**  
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
6 **SAN JOSE DIVISION**  
7

8 UNITED STATES OF AMERICA, ) No. CR-10-00562 LHK  
9 Plaintiff, ) **STIPULATION AND**  
10 v. ) ~~**[PROPOSED]**~~ **ORDER**  
11 THOMAS O'MEARA, ) **RESCHEDULING STATUS**  
12 ) **CONFERENCE AND**  
13 Defendant. ) **EXCLUDING TIME FROM THE**  
14 ) **SPEEDY TRIAL ACT**  
15 ) **[18 U.S.C. § 3161(h)(8)(A)]**

16 This matter is currently set for status on October 5, 2011. The parties  
17 now jointly request that the October 5, 2011 hearing date be reset to October  
18 26, 2011 to allow defense counsel to continue the review of the discovery  
19 produced in the case. Based on the stipulation, the Court finds and holds as  
20 follows:

- 21 1. The currently scheduled October 5, 2011 hearing date is hereby  
22 vacated.  
23 2. This matter is re-set for status on October 26, 2011 at 10:00 a.m.  
24 3. The time between October 5, 2011 and October 26, 2011 is  
25 excluded under the Speedy Trial Act. The parties agree that the failure to grant  
the requested continuance would unreasonable deny defense counsel

1 reasonable time necessary for effective preparation, taking into account the  
2 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree  
3 that the ends of justice are served by granting the continuance outweigh the  
4 best interest of the public and the defendant in a speedy trial and in the prompt  
5 disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 9/30/2011

/s/

8 Jeane DeKolver  
Attorney for Tom O'Meara

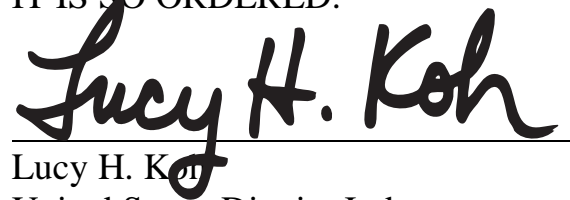
10 DATED: 9/30/2011

/s/

11 Joseph Fazioli  
Assistant United States Attorney

13 IT IS SO ORDERED.

15 DATED: 10/5/11

14   
Lucy H. Koh

16 United States District Judge